

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

**FILED**

**MAY 21 2018**

Clerk, U.S. District Court  
District Of Montana  
Helena

GAYNELL M. BRUCK,

Plaintiff,

vs.

TARGET CORPORATION, a  
Minnesota Corporation,

Defendants.

No. CV-18-62-H-SEH

**ORDER**

On May 11, 2018, Plaintiff was ordered to file an amended complaint properly alleging jurisdiction.<sup>1</sup> A First Amended Complaint and Jury Trial Demand (“Amended Complaint”) was filed on May 17, 2018.<sup>2</sup> Jurisdiction is still not properly pleaded.

“A corporation, for purposes of diversity, is a citizen of *both* the state of incorporation and of the state in which it has its principal place of business. *Montrose Chemical Corp. v. American Motorists Ins. Co.*, 117 F.3d 1128, 1134 (9th Cir. 1997); 28 U.S.C. §1332(c)(1).”<sup>3</sup> The Amended Complaint alleges that

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<sup>1</sup> Doc. 3.

<sup>2</sup> Doc. 5.


<sup>3</sup> Doc. 3 at 2-3 (emphasis added).

Defendant Target Corporation “is a citizen and a corporation with its principal place of business located in the State of Minnesota.”<sup>4</sup> The Amended Complaint does not address both state of incorporation and principal place of business. “In a diversity case an allegation that a corporation is a citizen of a state is insufficient without an allegation as to the state in which it is incorporated and that state in which it has its principal place of business.” *Veeck v. Commodity Enters., Inc.*, 487 F.2d 423, 426 (9th Cir. 1973); *See* 28 U.S.C. § 1332.

ORDERED:

This case will be dismissed on May 29, 2018, unless Plaintiff files an additional amended pleading properly alleging jurisdiction on or before that date. A third opportunity to properly plead jurisdiction will not be accorded. In the absence of an appropriate filing, this action will be dismissed.

DATED this 21<sup>st</sup> day of May, 2018

  
SAM E. HADDON  
United States District Judge

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<sup>4</sup> Doc. 5 at 2.